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# **INTRODUCTION TO THE CANADIAN LEGAL SYSTEM**

**Professor David Dyzenhaus**

**Faculty of Law**

**University of Toronto**

**August 2003**

**These materials are distributed solely for classroom use by the students in the  
Faculty of Law, University of Toronto**

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## Introduction to the Canadian Legal System

### Table of Contents and Schedule

August 27

10.00 -- 11.00 Introduction to the Canadian Legal Order

Reading:	PAGE
Extract, <i>Legal Systems of the World</i>	1
Extract, <i>Looking at Law, Canada's Legal System</i>	9
Extract, <i>Reference Re Secession of Quebec</i>	12
Extract, FL Morton, "Precedents, Statutes and Legal Reasoning"	17
Extract, John Farrar and A Dugdale, "Legal Reasoning"	20
Extract, Patrick Atiyah, "The Doctrine of Precedent"	22
Extract, Karl Llewellyn, <i>This Case System: Precedent</i>	24

11.30 -- 12.30

Reading:

Extract, <i>Riggs v Palmer</i>	27
<i>Regina v Mee Wah</i>	31

2.00 -- 2.40 Presentation

Reading:

AWB Simpson, "Legal Theory and the Common Law"	44
Ronald Dworkin, "Hard Cases"	57

2.40 -- 3.20 Small group discussion

3.20 -- 4.20 Group reconvenes for general discussion

August 28

10.00 -- 12.30 The common law of judicial review

Reading:

<i>Baker v Canada</i>	84
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2.00 -- 2.40 Presentation by Stephen Waddams

Reading:

Extracts, Stephen Waddams, *Dimensions of Private Law* 103

2.40 -- 3.20 Small group discussion

3.20 -- 4.20 Group reconvenes for general discussion

August 29

10.00 -- 10.40 Presentation by Peter Benson

Reading:

Extract, *Pierson v Post* 138

Extract, *Flint v Robins Dry Dock and Repair Co.* 142

Extract, Fuller and Perdue, "The Reliance Interest in Contract Damages" 145

Extract, Aristotle, *Nicomachean Ethics* 153

10.40 -- 11.20 Small group discussion

11.20--12.20 Group reconvenes for general discussion

2.00 -- 2.40 Presentation by Tony Duggan

Reading:

Extract, Duggan, Bryan, Hanks, *Contractual Non-Disclosure* 155

Extract, "New Palgrave Dictionary of Economics and the Law," Equity 162

Extract, *Taylor v Johnson* 171

2.40 -- 3.20 Small group discussion

3.20 -- 4.20 Group reconvenes for general discussion